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SENATE BILL DRS45260-MQf-91 (03/16)

Short Title: Mobile Beauty Salons.

(Public)

Sponsors: Senators Krawiec, Gunn, and Dunn (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR LICENSURE OF MOBILE BEAUTY SALONS AND TO
3 ENSURE THE SAFE AND HYGIENIC OPERATION THEREOF.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Chapter 88B of the General Statutes reads as rewritten:

6 "Chapter 88B.

7 "Cosmetic Art.

8 ...
9 "§ 88B-2. Definitions.

10 The following definitions apply in this Chapter:

- 11 (1) Apprentice. – A person who is not a manager or operator and who is
12 engaged in learning the practice of cosmetic art under the direction and
13 supervision of a cosmetologist.
- 14 (2) Board. – The North Carolina Board of Cosmetic Art Examiners.
- 15 (3) Booth. – A workstation located within a licensed cosmetic art shop that is
16 operated primarily by one individual in performing cosmetic art services for
17 consumers.
- 18 (4) Booth renter. – A person who rents a booth in a cosmetic art shop.
- 19 (5) Cosmetic art. – All or any part or combination of cosmetology, esthetics,
20 natural hair care, or manicuring, including the systematic manipulation with
21 the hands or mechanical apparatus of the scalp, face, neck, shoulders, hands,
22 and feet. Practices included within this subdivision shall not include the
23 practice of massage or bodywork therapy as set forth in Article 36 of
24 Chapter 90 of the General Statutes.
- 25 (6) Cosmetic art school. – Any building or part thereof where cosmetic art is
26 taught.
- 27 (7) Cosmetic art shop. – Any building or part thereof where cosmetic art is
28 practiced for pay or reward, whether direct or indirect.
- 29 (8) Cosmetologist. – Any individual who is licensed to practice all parts of
30 cosmetic art.
- 31 ~~(8a)~~(9) Cosmetology. – The act of arranging, dressing, curling, waving, cleansing,
32 cutting, singeing, bleaching, coloring, or similar work upon the hair of a
33 person by any means, including the use of hands, mechanical or electrical
34 apparatus, or appliances or by use of cosmetic or chemical preparations or
35 antiseptics.



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1 (9)(10) Cosmetology teacher. – An individual licensed by the Board to teach all
2 parts of cosmetic art.

3 (10)(11) Esthetician. – An individual licensed by the Board to practice only that part
4 of cosmetic art that constitutes skin care.

5 (11)(12) Esthetician teacher. – An individual licensed by the Board to teach only that
6 part of cosmetic art that constitutes skin care.

7 (11a)(13) Esthetics. – Refers to any of the following practices: giving facials; applying
8 makeup; performing skin care; removing superfluous hair from the body of a
9 person by use of creams, tweezers, or waxing; applying eyelashes to a
10 person, including the application of eyelash extensions, brow or lash color;
11 beautifying the face, neck, arms, or upper part of the human body by use of
12 cosmetic preparations, antiseptics, tonics, lotions, or creams; surface
13 manipulation in relation to skin care; or cleaning or stimulating the face,
14 neck, ears, arms, hands, bust, torso, legs, or feet of a person by means of
15 hands, devices, apparatus, or appliances along with the use of cosmetic
16 preparations, antiseptics, tonics, lotions, or creams.

17 (12)(14) Manicuring. – The care and treatment of the fingernails, toenails, cuticles on
18 fingernails and toenails, and the hands and feet, including the decoration of
19 the fingernails and the application of nail extensions and artificial nails. The
20 term "manicuring" shall not include the treatment of pathologic conditions.

21 (13)(15) Manicurist. – An individual licensed by the Board to practice only that part
22 of cosmetic art that constitutes manicuring.

23 (14)(16) Manicurist teacher. – An individual licensed by the Board to teach
24 manicuring.

25 (17) Mobile salon. – A self-contained, enclosed mobile unit licensed for the
26 practice of cosmetic art.

27 (14a)(18) Natural hair care. – A service that results in tension on hair strands or roots
28 by twisting, wrapping, extending, or locking hair by hand or mechanical
29 device. For purposes of this definition, the phrase "natural hair care" shall
30 include the use of artificial or natural hair.

31 (14b)(19) Natural hair care specialist. – An individual licensed by the Board to practice
32 only that part of cosmetic art that constitutes natural hair care.

33 (14e)(20) Natural hair care teacher. – An individual licensed by the Board to teach
34 natural hair care.

35 (15)(21) Shampooing. – The application and removal of commonly used, room
36 temperature, liquid hair cleaning and hair conditioning products.
37 Shampooing does not include the arranging, dressing, waving, coloring, or
38 other treatment of the hair.

39 ...

40 **"§ 88B-4. Powers and duties of the Board.**

41 ...

42 (b) A member of the Board shall have the authority to inspect cosmetic art ~~shops~~ shops,
43 mobile salons, and cosmetic art schools at any reasonable hour to determine compliance with
44 the provisions of this Chapter if the inspection is made: (i) at the request of the Board, or with
45 the approval of the chair or the executive director as the result of a complaint made to the
46 Board or a problem reported by an inspector, or (ii) at the request of an inspector who deems it
47 necessary to request the assistance of a Board member and who has the prior approval of the
48 chair or executive director to do so. A Board member who makes an inspection pursuant to this
49 subsection shall file a report with the Board before requesting reimbursement for expenses.

50 ...

51 **"§ 88B-20. Fees required.**

- 1 ...
- 2 (b) The Board may charge application fees as follows:
- 3 (1) Inspection of a newly established cosmetic art shop or
- 4 mobile salon \$ 25.00
- 5 (2) Reciprocity applicant under G.S. 88B-13 \$ 15.00.
- 6 (c) The Board may charge license fees as follows:
- 7 (1) Cosmetologist.....\$ 39.00 every 3 years
- 8 (2) Apprentice\$ 10.00 per year
- 9 (3) Esthetician\$ 10.00 per year
- 10 (4) Manicurist\$ 10.00 per year
- 11 (4a) Natural hair care specialist.....\$ 10.00 per year
- 12 (5) Teacher.....\$ 10.00 every 2 years
- 13 (6) Cosmetic art shop per active booth\$ 3.00 per year
- 14 (6a) Mobile salon.....\$ 25.00 per year
- 15 (7) Cosmetic art school.....\$ 50.00 per year
- 16 (8) Duplicate license\$ 1.00.
- 17 (d) The Board may require payment of late fees and reinstatement fees as follows:
- 18 (1) Apprentice, cosmetologist, esthetician, manicurist,
- 19 natural hair care specialist, and teacher late renewal\$ 10.00
- 20 (2) Cosmetic art schools and shops and mobile salons late
- 21 renewal\$ 10.00
- 22 (3) Reinstatement – cosmetic art schools and shops and
- 23 mobile salons.....\$ 25.00.
- 24 (e) The Board may prorate fees as appropriate.

25 **"§ 88B-21. Renewals; expired licenses; inactive status.**

26 (a) Each license to operate a cosmetic art shop or mobile salon shall be renewed on or

27 before the first day of February of each year. As provided in G.S. 88B-20, a late fee shall be

28 charged for licenses renewed after February 1. Any license not renewed by March 1 of each

29 year shall expire. A cosmetic art shop or mobile salon whose license has been expired for one

30 year or less shall have the license reinstated immediately upon payment of the reinstatement

31 fee, the late fee, and all unpaid license fees. The licensee shall submit to the Board, as a part of

32 the renewal process, a list of all licensed cosmetologists who practice cosmetic art in the shop

33 or mobile salon and shall identify each as an employee or a booth renter.

34 ...

35 **"§ 88B-22. Licenses required; criminal penalty.**

36 (a) Except as provided in this Chapter, no person may practice or attempt to practice

37 cosmetic art for pay or reward in any form, either directly or indirectly, without being licensed

38 as an apprentice, cosmetologist, esthetician, natural hair care specialist, or manicurist by the

39 Board.

40 (b) Except as provided in this Chapter, no person may practice cosmetic art or any part

41 of cosmetic art, for pay or reward in any form, either directly or indirectly, outside of a licensed

42 cosmetic art ~~shop~~ shop or mobile salon.

43 (c) No person may open or operate a cosmetic art shop or mobile salon in this State

44 unless a license has been issued by the Board for that ~~shop~~ shop or mobile salon.

45 (d) An individual licensed as an esthetician, natural hair care specialist, or manicurist

46 may practice only that part of cosmetic art for which the individual is licensed.

47 (d1) No person may teach cosmetic art in a Board-approved cosmetic art school unless

48 the person is a teacher licensed under this Chapter. A guest lecturer may be exempt from the

49 requirements of this subsection upon approval by the Board.

1 (e) An apprentice licensed under the provisions of this Chapter shall apprentice under
2 the direct supervision of a cosmetologist. An apprentice shall not operate a cosmetic art
3 ~~shop-shop or mobile salon.~~

4 (f) A violation of this Chapter is a Class 3 misdemeanor.

5 **"§ 88B-23. Licenses to be posted.**

6 (a) Every apprentice, cosmetologist, esthetician, manicurist, natural hair care specialist,
7 and teacher licensed under this Chapter shall display the certificate of license issued by the
8 Board within the shop or mobile salon in which the person works.

9 (b) Every certificate of license to operate a cosmetic art ~~shop or school-shop, school, or~~
10 mobile salon shall be conspicuously posted in the ~~shop or school-shop, school, or mobile salon~~
11 for which it is issued.

12 ...

13 **"§ 88B-26. Rules to be posted.**

14 (a) The Board shall furnish a copy of its rules relating to sanitary management of
15 cosmetic art ~~shops and shops, cosmetic art schools-schools, and mobile salons~~ to each ~~shop and~~
16 school-shop, school, and mobile salon licensed by the Board. Each ~~shop and school-shop,~~
17 school, and mobile salon shall post the rules in a conspicuous place.

18 ...

19 **"§ 88B-27. Inspections.**

20 Any inspector or other authorized representative of the Board may enter any cosmetic art
21 ~~shop or school-shop, school, or mobile salon~~ to inspect it for compliance with this Chapter and
22 the Board's rules. All persons practicing cosmetic art in a ~~shop or school-shop, school, or~~
23 mobile salon shall, upon request, present satisfactory proof of identification. Satisfactory proof
24 shall be in the form of a photographic driver's license or photographic identification card issued
25 by any state, federal, or other government entity. The Board may require a cosmetic art ~~shop or~~
26 school-shop, school, or mobile salon to be inspected as a condition for license renewal.

27"

28 **SECTION 2.** Chapter 88B of the General Statutes is amended by adding a new
29 section to read:

30 **"§ 88B-15.1. Mobile salons.**

31 (a) A motor home as defined in Article 1 of Chapter 20 of the General Statutes may be
32 used as a mobile salon for the practice of cosmetic art.

33 (b) The Board shall issue a license to operate a mobile salon to any applicant who
34 submits a properly completed application on a form approved by the Board, pays the required
35 fee, and is determined after inspection to be in compliance with the provisions of this Chapter
36 and the Board's rules.

37 (c) The Board shall adopt rules for the operation, licensure, and inspection of mobile
38 salons, including standards for facilities, personnel, and safety and sanitary requirements. All
39 licensure and operating requirements provided by this Chapter or by rules adopted by the Board
40 pursuant to this Chapter that apply to cosmetic art shops shall also apply to mobile salons,
41 except to the extent that the requirements conflict with this section or with any rules adopted by
42 the Board pursuant to this section.

43 (d) In addition to the requirements of this Chapter, individuals and the vehicles they
44 operate while providing mobile salon services shall be subject to the provisions of (i) Chapter
45 20 of the General Statutes, (ii) Chapter 19A of the North Carolina Administrative Code, (iii) all
46 applicable requirements of the Americans with Disabilities Act, (iv) all applicable OSHA
47 requirements, and (v) all local laws and ordinances regulating business establishments.

48 (e) A mobile salon must be equipped with a functional sink and toilet facilities and
49 must maintain an adequate supply of clean water and waste water storage capacity.

1 (f) No cosmetic art or service may be performed in a mobile salon while the salon is
2 moving. The mobile salon must be safely parked in a legal parking spot at all times while
3 patrons are present inside the salon.

4 (g) A mobile salon owner must maintain a permanent business address at which records
5 of appointments, itineraries, license numbers, and vehicle identification numbers for each
6 mobile salon being operated shall be kept and made available for verification and inspection by
7 the Board and at which all correspondence from the Board can be received.

8 (h) To facilitate periodic inspections of mobile salons, prior to the beginning of each
9 month, the owner of the salon shall provide to the Board a written monthly itinerary listing
10 locations, dates, and hours of operation for the salon."

11 **SECTION 3.** This act becomes effective July 1, 2017.